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March 18, 2025

BY ECF

The Honorable Alvin K. Hellerstein
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

**Re: *United States v. Charlie Javice and Olivier Amar,*
23 Cr. 251 (AKH)**

Dear Judge Hellerstein:

Defendant Olivier Amar respectfully submits this letter in opposition to the Government's motion, ECF No. 335, seeking to admit four irrelevant WhatsApp messages that are unfairly prejudicial and have minimal probative value. These messages, which serve only to distract and inflame, should be excluded under FRE 401, 402, and 403.

GX 801-23. On August 13, 2021, five days after the Frank deal signed, Ms. Javice and Mr. Amar exchanged WhatsApp messages regarding Mr. Amar's purchase of a new Land Rover. The excerpt is copied below:

Olivier Amar	Black on black Defender
Charlie Javice	Sexy
Olivier Amar	Arrives Sept 10
Olivier Amar	Would be cool if our Chase benefits kick in and I could finance it that way, but I think it's going to be too early

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This exchange, regarding how Mr. Amar spends his money, has minimal (if any) probative value, and any such value is substantially outweighed by the risk of unfair prejudice and jury confusion. *See United States v. Cassese*, 290 F. Supp. 2d 443, 457 (S.D.N.Y. 2003) (granting new trial where, among other things, introduction of “highly prejudicial and inflammatory evidence and arguments in front of the jury regarding Cassese’s wealth, salary, and stock holdings . . . played into a bias against people of wealth”). Moreover, the Government has already admitted Mr. Amar’s retention letter, which includes information about his compensation and retention bonus, so, to the extent these WhatsApp messages have any probative value, it is needlessly cumulative. Buying an expensive car after the signing of the Merger Agreement does not make participation in a conspiracy more or less likely.

GX 801-35. The Government seeks to introduce four WhatsApp messages between Ms. Javice and Mr. Amar on October 22, 2021. The excerpt is copied below:

Olivier Amar	Kept my self evaluation brief as you requested 😊
Charlie Javice	:)
Charlie Javice	It's a fake review as everything comp is already set. My comment is ur the best partner in crime. The end.
Olivier Amar	😊

The Government focuses on Ms. Javice’s statement that her “comment” in Mr. Amar’s performance review is “ur the best partner in crime” and argues that this is evidence of conspiracy and consciousness of guilt. Of course, the context provided indicates that Ms. Javice was simply making a joke because “It’s a fake review as everything comp is already set.” Any probative value of this statement, which takes place more than two months after the supposed completion of the conspiracy, is substantially outweighed by the risk of unfair prejudice posed by the obviously inflammatory “partner in crime” statement.

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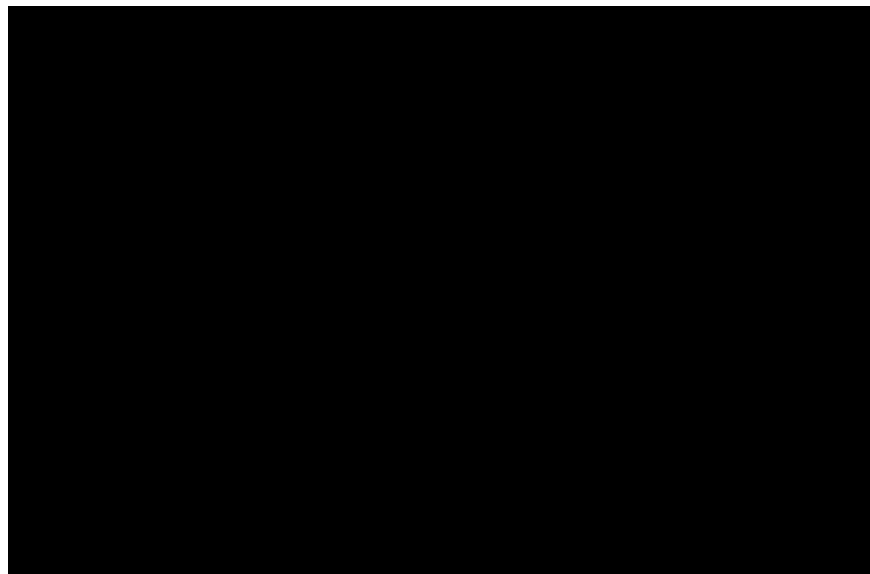
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GX 801-51. The Government seeks to introduce six WhatsApp messages between Ms. Javice and Mr. Amar on February 7, 2022. The excerpt is copied below:

Timestamp	Sender	Message
2/7/2022 7:08:13 PM(UTC+0)	[REDACTED] Charlie Javice	gave him the shit show of all systems in spreadsheets
2/7/2022 7:08:22 PM(UTC+0)	[REDACTED] Olivier Amar	okay
2/7/2022 7:09:17 PM(UTC+0)	[REDACTED] Charlie Javice	ah we are fucked
2/7/2022 7:09:20 PM(UTC+0)	[REDACTED] Charlie Javice	russian
2/7/2022 7:09:30 PM(UTC+0)	[REDACTED] Olivier Amar	That's quite the accent
2/7/2022 7:09:36 PM(UTC+0)	[REDACTED] Charlie Javice	but the name is latin

During what is apparently a meeting with JPMC personnel, Ms. Javice writes, “gave him the shit show of all systems in spreadsheets.” Mr. Amar responds, “okay.” About one minute later, Ms. Javice then writes, “ah we are fucked. russian.” Mr. Amar immediately responds, “That’s quite the accent.” Ms. Javice writes, “but the name is latin.” The Government argues that Ms. Javice’s remark that “ah we are fucked” relates to her prior statement that she “gave him the shit show of all systems in spreadsheets” and evidences consciousness of guilt. However, based on a document in the Government’s production (USAO_Rel_000284949, see below), Ms. Javice and Mr. Amar exchanged these messages during a Zoom meeting with JPMC personnel, including someone named [REDACTED] who apparently had a heavy accent. Accordingly, there is no probative value to these messages, and the risk of unfair prejudice is substantial given the inflammatory language that Ms. Javice uses in her messages.



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GX 801-56. The Government seeks to introduce a series of WhatsApp messages between Ms. Javice and Mr. Amar spanning from June 26, 2022 through June 30, 2022.¹ The messages are copied below:

6/27/2022 1:10:55 AM(UTC+0)		Charlie Javice	Finally got a work phone - so My new work number is [REDACTED]
6/27/2022 1:11:11 AM(UTC+0)		Charlie Javice	For anything work needed :)
6/27/2022 1:11:40 AM(UTC+0)		Olivier Amar	Great. Wipe everything Chase off your personal phone
6/27/2022 1:12:10 AM(UTC+0)		Charlie Javice	Just waiting to install email and then everything will be transferred
6/27/2022 1:12:19 AM(UTC+0)		Charlie Javice	So it's finally done
6/27/2022 1:12:50 AM(UTC+0)		Charlie Javice	It should be \$10 to add a plan if u want to do the same.
6/27/2022 1:23:27 AM(UTC+0)		Olivier Amar	Got it. I'm fine for now, but let's see how stuff goes for you. I might reconsider
6/27/2022 3:45:15 PM(UTC+0)		Olivier Amar	one time password: *>WAr33R6SNQ
6/27/2022 3:45:36 PM(UTC+0)		Charlie Javice	Can u just send the password so I can copy paste
6/27/2022 3:45:42 PM(UTC+0)		Olivier Amar	*>WAr33R6SNQ
6/28/2022 3:10:43 PM(UTC+0)		Olivier Amar	☺
6/29/2022 3:51:27 PM(UTC+0)		Olivier Amar	That's BS
6/29/2022 3:52:28 PM(UTC+0)		Charlie Javice	Slack for that
6/30/2022 6:56:04 PM(UTC+0)		Olivier Amar	🗑 You deleted this message
6/30/2022 6:56:04 PM(UTC+0)		Olivier Amar	🗑 You deleted this message
6/30/2022 6:56:06 PM(UTC+0)		Olivier Amar	🗑 You deleted this message
6/30/2022 6:56:06 PM(UTC+0)		Olivier Amar	🗑 You deleted this message
6/30/2022 6:56:27 PM(UTC+0)		Charlie Javice	Slack for that pls

¹ Because the timestamps in these messages are in UTC, the messages begin on June 26, 2022.

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These messages, which span more than three and a half days, have no relevance to this action. The Government tries to cast Mr. Amar's instruction to Ms. Javice to "[w]ipe everything Chase off your personal phone" as probative of consciousness of guilt and the existence of a conspiracy, but it is not. Mr. Amar's comment is simply a suggestion that Ms. Javice should separate her personal and work technology now that she had a new firm-approved device. Moreover, Ms. Javice's later comment, "Slack for that," followed by Mr. Amar's deletion of several WhatsApp messages, is actually probative of a lack of conspiracy given that they were apparently moving messages to Slack, which was a JPMC-approved mode of communication for work purposes. Especially in light of the lack of relevance, this evidence poses a substantial risk of unfair prejudice given the likelihood that the jury will infer negative intent merely from the instruction to "wipe" and from deletion of messages.

For the foregoing reasons, the Government's motion at ECF No. 335 should be denied.

Respectfully yours,

/s/ Sean S. Buckley

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